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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/439,332 11/12/99 DISHON

J 99-0225

EXAMINER

QM12/0620

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DEXTER, C	
ART UNIT	PAPER NUMBER

3724

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DATE MAILED:

06/20/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/439,332

Applicant(s)
Dishon et al.

Examiner
Clark F. Dexter

Group Art Unit
3724



☐ Responsive to communication(s) filed on _____

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-12 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-12 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Drawings

1. The drawings are objected to because of the following informalities:

In Figure 1, at least numeral 10 (and even numeral 19) should be added for clarity.

In Figure 2, numeral 33 is inaccurate and should be changed to --23--; numeral 11 should be added for clarity; and a numeral should be added to indicate the cutting means.

In Figure 3, a numeral should be added to indicate the cutting means in general.

Correction is required.

Abstract

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 250 words. It is important that the abstract not exceed 250 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract of the disclosure is objected to because the use of means in lines 6 and 7 is improper. Correction is required. See MPEP § 608.01(b).

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Specification

4. The disclosure is objected to because of the following informalities:

On page 9, line 19, "without" appears to be inaccurate, and it seems that it should be changed to --with--; in line 24, "motor means" is unclear as to what it refers, particularly in view of the recitation of "motor" in the previous line; in line 27, a numeral should be inserted to indicate the cutting means in general.

On page 11, line 2, "frame 56" is confusing and appears to be inaccurate, and it seems that in line 1, --56-- should be inserted after "opening", and in line 2, --11-- should be inserted after "frame"; in line 6, "in the form of" renders the description unclear and confusing and it seems to be inaccurate, and it seems that it should be changed to --includes-- or the like.

Appropriate correction is required.

Claim Objections

5. Claims 2-20 are objected to because claim 2 depends from itself. To expedite prosecution, claim 2 has been considered as depending from claim 1. Additionally, in claim 7, line 2, it seems that "contain" should read --contains--. Appropriate correction is required.

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Claim Rejections - 35 USC § 112

6. Claims 3-10[✓] are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Support is not provided in the specification or drawings for a draw roller assembly which comprises a first pair of rollers, a tension roller and a second pair of rollers as set forth in claim 3.[✓] Rather support is provided for a pressing means which comprises these features.

7. Claims 1-12 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are replete with vague and indefinite language and should be carefully reviewed. The following are examples of many of the occurrences of such language.

In claim 1, line 8,[✓] “adapted to rotate a draw roller assembly” renders the claim vague and indefinite as to whether the draw roller assembly is being claimed, and it seems that --a draw roller assembly, and-- should be inserted before “a motor means”, and “adapted to rotate a” should be changed to --for rotating said-- or the like; in line 10,[✓] “being adapted” is vague and indefinite as to how the draw roller assembly is “adapted” to perform the recited function; in line 13, “said draw roller” lacks positive antecedent basis; in line 15,[✓] “adapted to perforate” is vague and indefinite as to how the latitudinal perforating bar is “adapted”; in line 17,[✓] “adapted to cut” is vague and

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indefinite as to how the latitudinal cutter bar is "adapted"; in line 21, "said paper cutter" lacks antecedent basis.

In claim 3, line 2, "draw roller assembly" is vague and indefinite as to what disclosed structure it refers; in lines 6-7, "adapted to apply downward tension" is vague and indefinite as to how the spring is "adapted".

In claim 4, line 2, "further comprising a sensor" appears to be inaccurate and/or incomplete since the sensor is part of the paper cutting and delivery means, and it seems that in line 2, --said paper cutting and delivery means-- should be inserted before "further"; also in line 2, structural cooperation is lacking for "sensor"; in line 5, "adapted to rotate" is vague and indefinite as to how the sensor is "adapted" to perform the recited function.

In claim 6, line 2, "further comprising" appears to be inaccurate and/or incomplete since the paper holder is part of the paper cutting and delivery means (particularly considering the subsequent recitation of "said paper holders" in claim 10), and it seems that in line 2, --said paper cutting and delivery means-- should be inserted before "further"; in line 9, "adapted to direct" is vague and indefinite as to how the rollers and guide bars are "adapted".

In claim 9, line 2, "an actuating means" is vague and indefinite as to whether it refers to the actuating means set forth in claim 1 or to another such actuating means, and it seems that "and further comprising an" should be changed to --wherein said--, and --is-- should be inserted after "means" or the like (particularly since it appears that only one actuating means is disclosed for operating all three paper cutting and delivery means).

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Claims 11 and 12 include numerous occurrences of vague and indefinite language which are the same or similar to that described above.

Prior Art

8. Further consideration of the claimed invention with respect to the prior art will be given upon clarification of the claimed invention.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark Dexter whose telephone number is (703) 308-1404.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Rinaldi Rada, can be reached at (703)308-2187.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)308-1148. The fax numbers for this group are: formal papers - (703)305-3579; informal/draft papers - (703)305-9835.



**Clark F. Dexter
Primary Examiner
Art Unit 3724**

cf
June 19, 2000